1951.

File No. O. Extra Provl Juris /51.

Legal Dept.

A BRANCH

Subject:— Opinions under the Extra Provincial Juricdiction Act, 1947

P-5

[redacted].

[redacted] Extra Provl.

Legal Department File No.[redacted]
Jurisdiction/1951

Sr. No.	R.T.No./ Cn	Subject	Pages.
1.	R.T.No. [redacted]	Extra Provincial Jurisdiction Act, 1947- Part 4(1) of the Judicial Committee (the Integrated States) Order---- whether Govt. has power to deal with and dismiss the ex application for review.	1-4-

MM

21. 27-6-1956.

K.S.R.
23/6

R.I.No 23/65.
23/11/50.

Legal Department

Subd,

Shri Venkappa Govindappa Patil and others had brought a suit against the applicant Shri Bhimappa Yellappa Patil in the Civil Court, Mudhol for possession of property, mesne profits etc. As the suit was dismissed by the Civil Court, Mudhol, the opponents appealed to the Dist. Court which decided the suit in their favour. The applicant being aggrieved by this decision approached the High Court, Mudhol, which rejected the appeal, The applicant then appealed to the Regency Council of the State which upheld the decision of the High Court. On 21-7-47 the applicant, it appears an application to the Regency Council, Mudhol State, Mudhol under sec. 112 of the Civil P.C. for reconsideration of the order passed by the Council on 7-1-47. This application was pending with the Council when the State was merged in the Bombay Province,. After merger the applicant was informed by the Collr. of Bijapur that no application can be taken by him as the matter was finally decided by the State Courts. Against this order he has now approached Govt. The question now is whether Govt. has power to deal with and dismiss the application.

3. The applicant had made an application

Contd.

to the Regency Council under sec. 112 of the C. P. Code applicable to the Mudhol State for reconsideration of itsorder passed on 7-1-47. This application was made before merger of the State in the Province of Bombay.

Presumably the provisions of sec. 112 of the C.P.Code as applicable to the State provided for making application to the Ruler or in his absence the Regency Council in case the Ruler was a minor.

Disposals applications review made to Regency to merit Judicial Committee (Intergrated States) Order Para 4(i) put up B.G.S. Part IV - A of 1949; p. 574A

Para 4(i) of the Judicial Committee (the Intergrated States) Order provides that all civil and criminal appeals, applications and other proceedings pending on the appointed day before the Ruler of any State or any other tribunal by whatever name called or disignated, against any decision, decree or order of a State High Court shall be deemed to have been transferred to the Judicial Committee, as if such appeals, applications or proceedings were originally instituted before it. The expression "appointed day" is defined in para 2(1) to mean in respect of the said States the date mentioned against them in column 2 of the Schedule. The appointed day in the case of the Mudhol State is the 8th March 1948. Since in the present case the application was made to the Regency Council on 21-7-47 against the decision of the Mudhol High Court and was pending with the Ruler 8-3-1948, It will have to be transferred to the Judicial Committee

Contd.

constituted under para 3 of that Order
read with section 3 of the Provincial
Jurisdiction Act, 1947 for disposal.

Id. P.S.N
11/1

AL.R. A A may be the reply

Id. R.T.K.
24/1

R.L.A Id.P.M.L.
24/1

dt. 22-6-'50.

Office of the R.L.A.

Disposal of application of review made to Regency Council. Judicial Committee (Intergrated States) Order Para. 4(1).

Paragraph 4(1) of the Judicial Committee (the Intergrated States) Order provides that all civil and criminal appeals, applications and oth proceedings pending on the appointed day before the ruler of any State or any other tribunal by whatever name called or designated against any decision, decree or order of a State High Court shall be deemed to have been transferred to the Judicial Committee, as if such appeals, applications or proceedings were originally instituted before it. The expression "appointed day" is defined in paragraph 2(1) to mean in respect of the said States the date mentioned against them in column 2 of the Schedule. The appointed day in the case of the Mudhol State is the 8th March 1948. Since in the present case the application was made to the Regency Council on 21st July 1947 against the decision of the Mudhol High Court and was pending with the Ruler on 8th March 1948 it will have to be transferred to the Judicial Committee constituted under paragraph 3 of that Order read with section 3 of the Extra Provincial Jurisdiction Act, 1947 for disposal.

P.M.Lad.

27/1.

Remembrancer of Legal Affairs.

U.R. to P.& S.D. No.1726 dt. the 29th January 1951.

dt. 22-6-48.